

From: Jonathan Kiang
To: Microsoft ATR
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Subject: Microsoft Settlement

The proposed settlement is a bad idea. It is a reckless abdication of the Federal government's antitrust responsibilities.

The Court of Appeals affirmed that Microsoft violated Federal and State antitrust laws. Any settlement or judgement needs to supply both a remedy against future violations and a deterrent to potential violators. This one provides neither.

Considering that Microsoft performed many of its illegal activities under the apparently mostly hypothetical onus of the consent decree stemming from the government's 1994 antitrust case, the proposed final judgement leaves Microsoft too leeway in its actions. Microsoft has shown no indication that it would be inclined to follow the spirit or intent of the antitrust laws if left to its own devices, and the proposed final judgement fails to account for this.

The proposed final judgement, if approved, would make the 1956 du Pont cellophane case look like a brilliant piece of antitrust reasoning. If the goal of the antitrust laws is to promote consumer welfare and the competitive process, then the proposed final judgement fails to do either.

Sincerely,
Jonathan Kiang